

Attorney for Debtor  
Pia J. North, Esq. #29672  
North Law  
5913 Harbour Park Drive  
Midlothian, VA 23112  
Tel: (804) 739-3700  
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Help@PiaNorth.com

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

IN RE: Misty D. Guard, Debtor  
6403 Statute Street  
Chesterfield, VA 23832

Case#: 16-35872  
Lynne L. Tavenner, Trustee  
Chapter: 7

Last 4 of SSN: xxx-xx-4097

**MOTION TO EXTEND THE AUTOMATIC STAY**

Comes Now, Debtor, Misty D. Guard, by Counsel, Pia J. North, Esq. and states the following in support of this Motion:

1. On, November 30 2016, the Debtor filed a Chapter 7 petition for relief in this Honorable Court (the “instant case”). Lynne L. Tavenner, Chapter 7 Trustee was appointed to serve as Chapter 7 Trustee in this case (the “Trustee”).
2. The Debtor, Misty D. Guard filed two previous bankruptcies, only one of which was filed in the last eight years: Case# 15-10185 was filed on January 20, 2015 and dismissed on April 13, 2016 upon the Debtor’s Motion to Dismiss. That case was pending within one year of the filing of this instant case, thus triggering the provision of 11 U.S.C. 362(c)(3). The Debtor has also filed a petition for relief under Chapter 7 on June 17, 2008 Case# 08-00938; that case was discharged on September 18, 2008.
3. The automatic stay will expire in the instant case on December 30, 2016, unless the Court extends the automatic stay pursuant to 11 U.S.C 362 (c)(3)(A) and (B).
4. The Debtor’s bankruptcy history does not indicate a lack of good faith. The Debtor had every intention of following through on her Chapter 13 bankruptcy plan when she filed her petition in January 2015. However, the plan subsequently became unaffordable when her expenses increased: Her child support obligation increased from \$500 to \$900 per month. Additionally, she moved and her monthly rent expenses increased from \$675 per month to \$1,500 per month. When it became clear to her that she would be unable to afford the Chapter 13, she consulted with her attorneys and they filed a Motion for Voluntary Dismissal. The Order dismissing the case was entered on April 13, 2016.

5. The only other case that the Debtor filed was a Chapter 7 petition that was filed in June 2008 which was more than eight years before the previous case. She is eligible to receive a Chapter 7 discharge.
6. The Debtor has filed this case in good faith. There has been a change of circumstances in that the Debtor is now eligible to file a Chapter 7 and no longer has the financial resources to support a Chapter 13 plan payment.
7. WHEREFORE, for the foregoing reasons, the Debtor respectfully requests that this Court enter an Order extending the automatic stay under 11 U.S.C. § 362 as to all creditors, as to the Debtor and the Debtor's property, and as to the property of the estate for the duration of this proceeding, or until such time as the stay is terminated under § 362 (c) (1) or (c) (2), or a motion for relief is granted under § 362(d) and for such other and further relief as to the Court shall be deemed appropriate.

Respectfully submitted:

Misty D. Guard

By: /s/ Pia J. North  
Counsel

Attorney for Debtor  
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**NOTICE OF MOTION**

Pia J. North, Attorney for the Debtor having filed papers with the court: Motion to Extend the Automatic Stay.

**Your rights may be affected.** You should read these papers carefully and discuss **them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the objection, or if you want the court to consider your views on the motion, then **on or before December 15, 2016**, you or your attorney must: File with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 E. Broad Street, Room 4000  
Richmond, VA 23219

Office of the U.S. Trustee  
701 E. Broad Street, Room 4304  
Richmond, Virginia 23219

You must also mail a copy to:

Pia J. North  
North Law  
5913 Harbour Park Drive  
Midlothian, VA 23112

Lynne L. Tavenner  
20 North 8th Street; 2nd Floor  
Richmond, VA 23219  
LTavenner@tb-lawfirm.com

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

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**NOTICE**

PLEASE TAKE NOTICE that on **December 21, 2016 @ 10:00 a.m.** or as soon thereafter as is practical, we will appear before the Honorable Keith L. Phillips United States Bankruptcy Court, Eastern District of Virginia, Richmond Division, 701 E. Broad Street, Room 5100, Richmond, VA 23219 on the Debtor's **Motion to Extend the Automatic Stay.**

Misty D. Guard

BY: /s/ Pia J. North  
Counsel

**Certificate of Service**

I hereby certify that I have on December 1, 2016, served by transmitting a true copy of the foregoing Motion to Extend the Automatic Stay, Notice of Motion and Notice of Hearing electronically through the Court's CM/ECF system or by first class mail, postage pre-paid to: Misty D. Guard, the Debtor, 6403 Statute Street, Chesterfield, VA 23832, the Trustee, the United States trustee and to all creditors and parties in interest on the attached mailing matrix

By: /s/ Pia J. North  
Counsel

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**AFFIDAVIT**

I, Misty D. Guard declare under penalty of perjury that the information provided in the Motion to Extend the Automatic Stay is true and correct.

1. I have only filed two prior bankruptcies. The first bankruptcy was a Chapter 7 bankruptcy which was filed and successfully completed in 2008.
2. The only other bankruptcy I filed was a Chapter 13 Bankruptcy that I filed in January 2015. After I filed the case my expenses increased: When I moved to another town, my rent increased from \$675 per month to \$1,500 per month. Additionally, my monthly child support payment increased from \$500 per month to \$900 per month. Once I explained this situation to my bankruptcy lawyers, they filed a Motion to Dismiss my Chapter 13.
3. I believe that under the circumstances, it is best that I file a Chapter 7 bankruptcy.

Date: November 3, 2016

/s/ Misty D. Guard

Misty D. Guard

Aaron's Sales & Lease  
5087 Jefferson Davis Highway  
Fredericksburg, VA 22408

Capital One  
15000 Capital One Dr  
Richmond, VA 23238

Community Bank  
Po Box 182789  
Columbus, OH 43218

American Profit Recovery  
34405 W 12 Mile Rd Ste 3  
Farmington Hills, MI 48331

Capital One  
Po Box 30285  
Salt Lake City, UT 84130

Credit One Bank  
Po Box 98873  
Las Vegas, NV 89193

AT & T  
P.O. Box 1954  
Southgate, MI 48195

Cato Corporation  
Po Box 34216  
Charlotte, NC 28234

Credit One Bank Na  
Po Box 98872  
Las Vegas, NV 89193

Bass & Associates  
2970 Peachtree Road, N.W.  
Suite 622  
Atlanta, GA 30305

Cato Corporation  
Attn Bankruptcy/Credit Dept  
8100 Denmark Rd  
Charlotte, NC 28273

Credit One Bank Na  
Po Box 98873  
Las Vegas, NV 89193

BB & T  
Recovery Dept  
PO Box 580393  
Charlotte, NC 28258

Cedar Financial  
5230 Las Virgenes Rd Ste  
Calabasas, CA 91302

Creekside Resort  
41 Resort Drive  
Basye, VA 22810

Bio Reference  
481 Edward H. Ross Dr.  
Elmwood Park, NJ 07407

Cedar Hill National Bank  
PO BOX 37902  
Charlotte, NC 28237

Direct TV  
Post Office Box 78626  
Phoenix, AZ 85062

Bull City Financial Solutions  
2609 North Duke St. #500  
Durham, NC 27704

Certegy Check Services, Inc.  
11601 Roosevelt Blvd.  
Saint Petersburg, FL 33716

Dish  
PO BOX 94063  
Palatine, IL 60094-4063

Caf/Carmax Auto Finance  
Attn: Bankruptcy  
Po Box 440609  
Kennesaw, GA 30160

Cfw Credit & Collectio  
Attn:Collections  
19 N Washington St  
Winchester, VA 22601

Diversified Consultants  
POB 551268  
Jacksonville, FL 32255

Calvary Portfolio Services  
7 Skyline Dr  
3rd Floor  
Hawthorne, NY 10532

Check Systems  
7805 Hudson Rd.  
Suite 100  
Woodbury, MI 55125

E.A. Hawse Health Center  
17978 WV-55  
Baker, WV 26801

Calvary Portfolio Services  
500 Summit Lake Ste 400  
Valhalla, NY 10595

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Rd., Suite 100  
Saint Paul, MN 55125

Equifax Check Services  
Post Office Box 30272  
Tampa, FL 33630-3272

Case 16-35872-KLP  
ERC/Enhanced Recovery Corp.  
8014 Bayberry Rd  
Jacksonville, FL 32256

Doc 5 Filed 12/01/16 Entered 12/01/16 12:56:14 Desc Main Document Page 7 of 8  
HC Processing Center  
203 E Emma Ave Ste A  
Springdale, AR 72764

MediCorp Health System  
O.D.C. Recovery Services  
12000 Kennedy Ln Suite 100  
Fredericksburg, VA 22407

Experian  
Dispute Department  
P.O. Box 4500  
Allen, TX 75013

HC Processing Center  
Po Box 829  
Springdale, AR 72765

Midlothian Family Practice  
1471 Johnston Willis Drive  
Richmond, VA 23235

Experian  
475 Anton Blvd  
Costa Mesa, CA 92626

James B. Nutter  
P.O. Box 419404  
Kansas City, MO 64141-6404

National Emerge  
P O Box 15670  
Brooksville, FL 34604

Fingerhut  
6250 Ridgewood Road  
Saint Cloud, MN 56303

Jl Walston & Associate  
1107 West Main St., Suite 201  
Durham, NC 27701

Navient  
Po Box 9500  
Wilkes Barre, PA 18773

Fingerhut  
6250 Ridgewood Rd  
St Cloud, MN 56303

Julie Frazier, Esquire  
56 East Main Street  
Romney, WV 26757

Navient  
Attn: Claims Dept  
Po Box 9500  
Wilkes-Barr, PA 18773

Gold Key Credit  
Attn: Bankruptcy  
Po Box 15670  
Brooksville, FL 34604

Lagacy Vacation Club  
Harbor Club Owners  
P.O. Box 29352  
Phoenix, AZ 85038

Ocean Club Villas II  
105 120th Street  
Ocean City, MD 21842

Grant Memorial Hospital  
117 Hospital Drive  
Petersburg, WV 26847

Legacy Vacation Club  
201 Clubhouse Drive  
Palm Coast, FL 32137

Ocean Sands Resort  
580 Lynnhaven Parkway  
Suite 101  
Virginia Beach, VA 23452

Hahn Medical Practices, Inc  
22347 northwestern pike  
Romney, WV 26757

Legacy Vacation Club  
2800 N. Poinciana Blvd.  
Kissimmee, FL 34746

Patient Account Bureau  
4366 Park Drive  
Norcross, GA 30093

Harrisonburg OBGYN  
2291 Evelyn Byrd Ave.  
Harrisonburg, VA 22801

Mary Washington Health Care  
2300 Fall Hill Ave  
Fredericksburg, VA 22401

PHG Ironbridge  
P.O. Box 281814  
Atlanta, GA 30384

Hawse Health Center  
17978 WV-55  
Baker, WV 26801

Mary Washington Hospital  
Post Office Box 7667  
Fredericksburg, VA 22404

Potomac Edison  
P.O. Box 3615  
Akron, OH 44309-3615

Purchasing Power  
695 Pylant Street  
Atlanta, GA 30336

Summit Community Bank  
310 N Main St  
Moorefield, WV 26836

Verizon  
500 Technology Dr  
Suite 500  
Weldon Spring, MO 63304

Quantum3 Group LLC  
PO Box 788  
Kirkland, WA 98083

Telecheck Services Inc.  
5521 Westheimer Road  
Houston, TX 77056

Walden University  
1000 S Washington Ave #900  
Minneapolis, MN 55401

R. Scott Pugh, Esquire  
9108 Courthouse Road  
Spotsylvania, VA 22553

The Villas - Summer Bay Resort  
17805 US 192  
Clermont, FL 34714

Webbank/fingerhut  
6250 Ridgewood Rd  
Saint Cloud, MN 56303

Revenue Enterprises LLC  
3131 S Vaughn Way Ste 426  
Aurora, CO 80014

TransUnion  
P.O. Box 2000  
Chester, PA 19022

Williams & Fudge, Inc  
300 Chatham Ave.  
POB 11590  
Rock Hill, SC 29731

Rockingham Medical Hospital  
2010 Health Campus Dr,  
Harrisonburg, VA 22801

University of Phoenix  
4615 E. Elwood Street  
3rd Floor  
Phoenix, AZ 85040

Wayne Wolfe  
10 Riverbed Lane  
Moorefield, WV 26836

Rockingham Medical Hospital  
P.O.Box 392  
Harrisonburg, VA 22803

Us Dept of Ed  
Great Lakes Educational Loan  
Po Box 7860  
Madison, WI 53707

Wayne T. Wolfe  
10 Riverbed Lane  
Moorefield, WV 26836

Royal Floridian  
51 South Atlantic Avenue  
Ormond Beach, FL 32176

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2401 International  
Madison, WI 53704

Sentara Health Care  
PO Box 1875  
Norfolk, VA 23501

UVA Physician Group  
4105 Lewis & Clark Drive  
Charlottesville, VA 22911

Sherman Law Firm  
255 West Main Street  
Romney, WV 26757

Valley Credit Service, Inc  
Po Box 2162  
Hagerstown, MD 21742

Springleaf Financial Services  
601 Nw 2nd St  
Evansville, IN 47708

Verizon  
500 Technology Dr Ste 30  
Weldon Spring, MO 63304